



## Appeals

### What is the difference between appeals and complaints?

Appeals cause the reconsideration of a prior decision made by the Exchange, typically related to a Qualified Health Plan (QHP) or financial assistance programs. Complaints are a communication of a grievance or other dissatisfaction with any matter related to the Exchange's operational processes or user interfaces.

### What can I appeal?

There are many types of appealable decisions. Some are appealable by individuals, others by employers, and some by both.

#### Individual Appeals:

1. Advanced Premium Tax Credits (APTC)
2. Cost Sharing Reductions (CSR)
3. Medicaid/Children's Health Insurance Program (CHIP) Pre-Qualification
4. Exemption from Individual Mandate
5. Affordable Minimum Essential Coverage (MEC)
6. Social Security Number Validation
7. Lawful Presence
8. Incarceration
9. Residency
10. Federally Recognized Tribal Affiliation
11. Catastrophic or Transition Plan Eligibility

#### Employer Appeals:

1. SHOP Employer Eligibility
2. SHOP Employee Eligibility
3. Affordable Minimum Essential Coverage – Non-SHOP Employers

#### Individual and Employer Appeals:

1. Life Event
2. Dependent Eligibility
3. Termination
4. Timely Notice or Processing
5. System Issues
6. Broker, Agent, Exchange Enrollment Facilitator Misconduct
7. Other

### Who can file an appeal?

In the Individual Marketplace, only the applicant/enrollee/custodial parent or their authorized representative can file an appeal. In the SHOP Marketplace, a SHOP employer can file an appeal on behalf of themselves or one of their employees. Non-SHOP employers can file an appeal on behalf of their organization.

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## **When should I appeal?**

Nevada Health Link has set up the application to guide individuals and employers through the process of selecting health plans. There are many places in the application where the individual/employer will state (attest) that the information they are providing is accurate.

### **Individual Marketplace:**

Nevada Health Link will check some of that attested information (income, family size, lawful presence, etc.) with the federal data hub. If the information that comes back from the federal data hub is reasonably different than the information the individual provided, that individual has 90 days from the notice date to provide Nevada Health Link with supporting documentation. During this period, Nevada Health Link will presume the individual is telling the truth and will allow enrollment in a qualified health plan.

If the supporting documentation is provided in the timeframe above and is adequate, Nevada Health Link will not change anything and the initial eligibility determination will become final.

If the individual fails to provide supporting documentation in the timeframe given above, or the received information is still not adequate, Nevada Health Link will redetermine eligibility using the federal data hub's information to make a new decision. At this time, if the individual disagrees with the decision, an official appeal can be filed.

Non-SHOP employers who receive a notice from Nevada Health Link that an employee was determined eligible for APTC due to a lack of employer-provided affordable minimum essential coverage can file an appeal of that decision within 90 days of the notice date.

### **SHOP Marketplace:**

SHOP employers have 30 days to provide supporting documentation if Nevada Health Link reports data inconsistencies on the SHOP employer application or between employer-attested information and a SHOP employee or dependent application.

If the supporting documentation is provided in the timeframe above and is adequate, Nevada Health Link will proceed with enrollment.

If the supporting documentation is not provided in the timeframe above or is not adequate, Nevada Health Link will deny eligibility. At this time, if the SHOP employer disagrees with the decision, an official appeal can be filed.

## **What is the process to appeal?**

When an individual or employer wants to appeal a decision, the entity will fill out an appeal form on Nevada Health Link's website. Depending on the nature of the appeal, it will either be handled by Nevada Health Link or the Division of Welfare

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and Supportive Services (DWSS).

#### Medicaid and CHIP Appeals:

If an appeal has anything to do with Medicaid or CHIP, the appeal will go directly to DWSS. The process will be handled by DWSS staff and Nevada Health Link will enforce the final decision. If after a formal hearing at DWSS, the individual still disagrees, that person may appeal to district court. The district court's decision will be final.

#### Exchange Appeals by Individuals:

If an appeal includes Exchange-related decisions (non-Medicaid/CHIP), as well as Medicaid/CHIP, the appeal will still go directly to DWSS.

After an informal process, a hearing may be requested and the decision by DWSS can be appealed to one final level: the district court for Medicaid/CHIP, and/or the U.S. Department of Health and Human Services (HHS) for Exchange-only decisions. The district court and/or HHS decision will be final.

If an appeal includes only Exchange-related decisions (APTC, CSR, QHP eligibility, etc.), the process begins with an informal resolution. Nevada Health Link will work with the individual to resolve the issue(s) before going to a formal hearing. If the issue cannot be resolved, a formal hearing can be requested, and the appeal goes to DWSS for a decision. If the individual still disagrees with the hearing decision, that individual can again appeal to HHS. The HHS decision will be final.

#### Exchange Appeals by Employers:

Appeals submitted by an employer on behalf of themselves or an employee will be decided through a Nevada Health Link review process and not a formal hearing. Exchange decisions related to employer submitted appeals are final and cannot be further appealed to HHS.

#### **Where can I get more help with appeals?**

If you need further clarification regarding the appeals process, you can always contact the Customer Contact Center for general questions and help filing an appeal (starting October, 2013). 1-855-7NVLINK

These resources can all be found on our webpage at [exchange.nv.gov](http://exchange.nv.gov) or [www.nevadahealthlink.com](http://www.nevadahealthlink.com).

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